

DAVIS POLICE DEPARTMENT

Automated License Plate Readers (ALPR)

Policy and Procedure 2.41-A

DEPARTMENT MANUAL

Index as:

ALRP

Automated License Plate Readers (ALPR)

Parking Enforcement, ALPR

On July 31, 2018, the Davis City Council, in accordance with the Surveillance Technology Ordinance, adopted the following ALPR Use Policy (26.07.030 Davis Municipal Code)

I. POLICY

The Davis Police Department uses ALPR as part of comprehensive parking management system, including electronic vehicle chalking to enforce time limit parking restrictions and electronic parking permit management. The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of ALPR technology.

The policy of the Davis Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Department shall implement specific security measures as agreed to by the Department and T2 Systems, Inc, who has an agreement with Genetec AutoVu, who hosts ALPR technology and data for the Davis Police Department. The Agreement with T2 Systems, Inc. and Genetec AutoVu is specifically incorporated by reference.

The Davis City Council, at a regularly agendized meeting, allowed for public comment regarding the implementation of an ALRP program on March 15, 2016 (Civil Code § 1798.90.55). After receiving public comment, the City Council approved the purchase and use of ALRP technology by unanimous vote.

II. PROCEDURE

A. Management

The Davis Police Department, by and through the Police Chief, is solely responsible for the day-to-day operation and management of the ALPR system and for all tasks ancillary to its operation and management.

The Police Services Specialist Supervisor assigned to the Parking Unit shall be responsible for keeping this policy up to date in order to comply with the requirements of Civil Code §

1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- Training requirements for authorized users.
- A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- The title and name of the current designee in overseeing the ALPR operation.
- Working with the Custodian of Records on the retention and destruction of ALPR data.
- Ensuring this policy and related procedures are conspicuously posted on the department's website.

B. Authorized Access

The following personnel will have regular access to the ALPR system:

- Police Chief
- Police Department Administration
- Parking Supervisor
- Police Services Specialist

The Police Chief may authorize representatives from T2, Inc. (parking management system), Genetec AutoVu (ALPR system) and PCS Mobile (wireless transmission services) to access the ALPR system for parking citation processing, training and maintenance services as provided for in written agreements.

The Police Chief may authorize other city employees to access the ALPR system to study parking patterns as part of a comprehensive parking management plan.

The Police Chief, through his or her designee, shall ensure that the ALPR system is operated in conformity with this Policy and other Department policies, procedures, rules and regulations.

C. Operations

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

1. Installation and Functioning

ALPR cameras may be mounted on marked parking enforcement vehicles. ALPR equipment will passively read the license plates of parked motor vehicles using ALPR optical character recognition technology. The ALPR data may be used as part of the comprehensive parking management system (electronic vehicle chalking and e-permit management plan). An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR. Data may also be compared against various hot lists

uploaded or created by the Davis Police Department. Scanned data files collected by the system will, on an ongoing basis, be automatically uploaded from the ALPR camera to the ALPR database.

2. Hot Lists

The Department may utilize hot lists where there is a legitimate and specific law enforcement reason for identifying a vehicle associated with an outstanding arrest warrant, vehicles related to missing persons investigations, vehicles associated with AMBER Alerts, stolen vehicles, vehicles that are reasonably believed to be involved in the commission of a crime, vehicles which are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list, vehicles with expired registrations, vehicles registered to persons who are subject to a restraining order issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements, vehicles registered to persons wanted by a law enforcement agency who are of interest in a specific investigation, vehicles that have outstanding parking citations, or vehicles registered to persons who are on any watch list issued by a State or Federal agency responsible for homeland security when information has been received concerning a specific individual.

Designation of hot lists to be utilized by the ALPR system shall be made by the Chief or their designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. These sources may include:

- NCIC Stolen Vehicle files, as available;
- NCIC Stolen plates and Stolen Canadian plates, as available;
- NCIC Wanted persons, as available;
- NCIC Missing or Endangered person files, as available;
- NCIC Supervised Release (Federal Probationers), as available;
- NCIC Nationwide Domestic Violence Protection Orders, as available;
- NCIC Violent Gang and Terrorist Organization File, as available;
- NCIC Sexual Offender;
- DMV Records of Suspended/Revoked Registrations.
- Parking Citation Data Files

If practicable, an officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

3. Training - No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training. Training may be provided by T2, Inc and Genetec AutoVu as part of the services agreement. Follow up training may be provided by the Department.
4. Login/Log-Out Procedure - All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52). To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data. A

routine check to ensure the equipment is working properly should be done at the beginning of each shift by the user logging into the system.

5. Auditing and Oversight - To ensure proper oversight into the use of the system and adherence to this policy, all activities (plate detections, queries, reports, etc.) are automatically recorded by the system for auditing purposes. System audits shall be conducted by the Parking Supervisor on a regular basis.

6. Permitted/Impermissible Uses

An ALPR shall only be used for official law enforcement business. The ALPR system, and all data collected, is the property of the Davis Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

- Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
- Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
- Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:
 - Criminal prosecution,
 - Civil liability, and/or administrative sanctions, up to and including termination.

7. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

D. Database Access and Privacy Concerns

The ALPR system shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include, but are not limited to, parking management, providing information to officers that will assist in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen or unregistered motor vehicles.

1. The ALPR system database and software resides in a data center featuring full redundancy and access controls. The data remains property of the Davis Police Department, and is managed according to this Policy.
2. The ALPR system is governed by the Permitted/Impermissible Uses as outlined in this Policy.
3. No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
4. The ALPR data contains no Personally Identifiable Information (PII) that may be used to connect license plate detection to an individual. It is only with permissible purpose that an investigator may make this connection (using other systems) and this access is already governed by the Federal Driver's Privacy Protection Act (DPPA).
5. All investigative queries into collected ALPR data are logged by user and available for auditing and review by the Department as outlined in this Policy.
6. The ALPR system has a full audit log, which contains the following information
 - a. The date and time the information is accessed.
 - b. The license plate number or other data elements used to query the ALPR system.
 - c. The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.
 - d. The purpose for accessing the information.

E. Data Retention

All data and images gathered by an ALPR are for the official use of the Davis Police Department and because such data may contain confidential CLETS information, it is not open to public review, except as part of the parking citation review/appeal process, which viewing is limited to vehicle information regarding the offender and their vehicle. ALPR information gathered and retained by this Department may be used and shared with prosecutors or others only as permitted by law. The sale, sharing, or transfer of ALPR information, except as permitted by law, is prohibited. All ALPR data downloaded to the hosted server will be stored for a period of one-year, and thereafter shall be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

Darren Pytel
Police Chief
03/16

8/18 – approved by City Council

Rev. 12/17